

EXHIBIT 40

From: Joshua Bennett <jbennett@carterarnett.com>
Sent: Wednesday, February 16, 2022 8:26 PM
To: jeffrey_gunnell@txwd.uscourts.gov
Cc: Brazos Trials; mark@swclaw.com; WSOU-Google; WSOU POTTER GROUP; WSOU Investments LLC v. Google LLC
Subject: Re: WSOU v. Google: CA Nos. 6:20-cv-572, 575, 579, 580, 584 and 585: Discovery Disputes
Attachments: 2022.01-28 Brazos v. Google Discovery Matrix.docx; 2022.01-28 Brazos v. Google Discovery Matrix.pdf

**** External mail ****

Good evening Mr. Gunnell,

In the interests of narrowing the issues in dispute, Brazos withdraws Issues 1–3 of the previously circulated Matrix (which is attached again for your convenience). Of the five issues previously presented, Brazos will need to address only Issues 4 and 5.

Another email containing matrices related to deposition disputes is forthcoming.

Thank you.



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From: Joshua Bennett <jbennett@carterarnett.com>
Date: Friday, January 28, 2022 at 3:29 PM
To: jeffrey_gunnell@txwd.uscourts.gov <jeffrey_gunnell@txwd.uscourts.gov>
Cc: Brazos Trials <CA-BrazosTrials@carterarnett.com>, mark@swclaw.com <mark@swclaw.com>, WSOU-Google <WSOU-Google@jonesday.com>, WSOU POTTER GROUP <WSOUGoogle@potterminton.com>, WSOU Investments LLC v. Google LLC <20-585@cases.warrenlex.com>
Subject: WSOU v. Google: CA Nos. 6:20-cv-572, 575, 579, 580, 584 and 585: Discovery Disputes

Good afternoon Mr. Gunnell,

Attached are Word and PDF versions of the joint discovery dispute charts outlining Brazos Licensing and Development's disputes on certain objections Google, LLC has raised in response to Brazos's requests. Brazos submits these charts under the dispute resolution provisions established in the Court's OGP and the parties' Joint Notice Concerning Agreement to Extend Deadlines (Doc. 66). Brazos and Google request a hearing on the issues set forth in the attached chart and are available for such a hearing at the Court's earliest convenience, should the Court determine a hearing is necessary. Any hearing on these matters may involve confidential information, including source code.

Warmest regards,

Joshua J. Bennett



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